IN RE: PETITION FOR ZONING VARIANCE *
NE/S Homeway 166.44° SE of
Fenway (6910 Homeway)
12th Election District
7th Councilmanic Dist. *
Thomas W. Hoover, et ux
Petitioners *

BEFORE THE

ZONING COMMISSIONER
OF BALTIMORE COUNTY

Case No. 88-192-A

* * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request variances to permit an open projection (deck) to be located 13 feet from the rear property line in lieu of the required 22 1/2 feet and an open projection deck to be located a minimum of 1/2 foot from the side yard property line in lieu of the required 7 1/2 feet, as more particularly described in Petitioner's Exhibit 1.

The Petitioners, Thomas W. Hoover and Theresa M. Hoover, appeared and testified on their own behalf. There were no Protestants.

The testimony clearly indicates that the subject property is zoned D.R. 5.5 and is located at 6910 Homeway Avenue off of Sollers Point Road in the Dundalk section of Baltimore County. The property is presently improved with a single family dwelling unit which has a free standing metal shed and an above ground pool also improving the subject property. Testimony indicates that the affected neighbor at 6912 Homeway Avenue is in complete agreement with this proposed project and has no objection to the deck being within 6 inches of their property.

On further questioning, the Petitioner admitted that the subject Petition was brought as a result of a complaint filed by the homeowner at 6908 Homeway Avenue for the construction of the open projection deck. The evidence tends to establish that there is a great deal of disagreement between the neighbor, at 6908 Homeway Avenue, and the Petitioner. The neighbor did not

appear at the hearing and no testimony by any Protestant was offered at the public hearing in this matter. The Petitioner testified that the appropriate zoning sign was placed in front of the property indicating the date and place of the hearing, for more than 30 days, prior to the actual hearing in this matter.

The Petitioner testified that Mr. Hoover suffers from a heart condition and is not capable of using the stairs a great deal of the time. Furthermore the rear porch and steps were in a severe state of disrepair and needed to be replaced. The Petitioners decided that an open deck would allow for better use of the property and maintain one consistent level from the rear door to the swimming pool area.

The Petitioners seek relief from the section 1B02.3.C.1 pursuant to section 307 of the Baltimore County Zoning Regulations. It is clear from the testimony that if the variance were granted such use as proposed would not be contrary to the spirit and intent of the Baltimore County Zoning Regulations and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the instant variances were not granted. It has been established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not be detrimental to the health, safety and general welfare.

Pursuant to the advertisement, posting the property, and the public hearing on this Petition held, and the for the reasons given above, the requested variance should be granted.

J. ROBERT HAINES
ZONING COMMISSIONER FOR
BALTIMORE COUNTY

JRH:mmn cc:Peoples Counsel

CHICE TO THE CONTRACTOR CONTRACTO

- 3 -

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Marylar 21204
494-3353

J. Robert Haines
Zoning Commissioner



December 11,1987

Mr. Thomas W. Hoover
6910 Homeway
more County, Md. 21222

le: Petition for Zoning Variance Case Nos. 88-192-A

Dear Mr. Hoover:

to contact this office.

Pursuant to the recent hearing held on the subject case, please be advised that your Petition for Zoning Variance has been Granted.

If you have any questions concerning this matter, please do not hesitate

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:mmn enclosure Beginning on the northeast side of Homeway,

40' wide, at a distance of 166.44 feet southeast of
Fenway and being known as Lot 15 as shown on the plat

of "Lorraine Park", which is recorded in plat book

No 9, Folio 24. Known as 6910 Homeway in the 12th

Election District.

PETITION FOR ZONING VARIANCE

12th Election District - 7th Councilmanic District
Case No. 88-192-A

LOCATION

Northeast Side of Homeway, 166.44 feet Southeast of Fenway (6910 Homeway)

DATE AND TIME:

Nonday, November 23, 1987, at 9:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Zoning Variance to permit an open projection (deck) 13 feet from the rear property line in lieu of the required 22.5 feet and an open projection a minimum of 0.5 feet from the side property line in lieu of the required 7.5 feet

Thomas W. Hoover, et ux

Being the property of ________, as shown on plate plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section IBQ2-3C.1 (301.1) To PERMIT AN OPEN RESIDENCE (DECK) To BE LOCATED 13 FEET FROM THE BEAR PROPERTY LINE LA LIEU CE THE REQUIRED 22.5 FEET F AN OPEN Respective To Be Located A.

MINIMUM OF O.5 FEET FROM THE SIDE PROPERTY LINE IN LICU VE THE Reg'd & FEET of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) THE DECK WAS BUILT TO REPLACE

THE ORIGINAL ONE. TWO CONTRACTORS SAID A PERM IT WAS NOT REQUIRED THE DECK WAS BUILT WITHOUT ANY KNOWLEDGE OF SETBACK REQUIREMENTS.

DECAUSE OF THE LIMITED SIZE OF THE REAR VARD (40x 29') + THE

CURRENT SETBACK REQUIREMENTS, A VARIANCE WOULD BE NEEDED

TO CONSTRUCT A DECK OF ANY SUBSTANTIAL SIZE.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
(Type or Print Name)	THUMAS W. HOOVER (Type or Print Name)
Signature	Shames W. Horrer Signature
Address	(Type or Print Name)
City and State	Theresa Th. Lower
Attorney for Petitioner:	
(Type or Print Name)	6910 Homeway 288-9447 Address Phone No. Balta: MD 21222
Signature	BAIta., MD 21222 City and State
Address	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted
City and State	Name
Attorney's Telephone No.:	
	Address Phone No.
ORDERED By The Zoning Commissioner of I	Baltimore County, this day
of September 19 87, that the required by the Zoning Law of Baltimore County, out Baltimore County, that property be posted, and Commissioner of Baltimore County in Room 106	subject matter of this petition be advertised, as in two newspapers of general circulation throughd that the public hearing be had before the Zoning 6, County Office Building in Towson, Baltimore November 87 9:00 19, at o'clock
	J. Robert fries

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY

88-192

Zoning Commissioner of Baltimore County.

District 12-Th	Dave of Posting 11/2/87
Posted for: // 47/07/Co	
Petitioner: Thomas W	
Location of property: NELS	Forme woy. 166.44' SE/ For way
690	Hord - way
	wowey appres 10' Fx the dway, or
proporty of Palete	end.
Remarks:	
Posted by Missealey	Date of return: 11/6/87
Number of Signs:	
number of States /	

1
•
*
•
1
; .
PETITION FOR
ZONING VARIANCE
" 12th Election District
" 7th Councilmanic District
Case No. 88-192-A
LOCATION: Northeast Side of
Homeway, 166.44 feet Southeast
of Fenway (6910 Homeway)
DATE AND TIME: Monday,
November 23, 1987, at 9:00 a.m.
PUBLIC HEARING: Room 106.
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland
The Zoning Commissioner of Bal-
timore County, by authority of the
Zoning Act and Regulations of Balti-
more County, will hold a public
hearing:
Petition for Zoning Variance to
permit an open projection (deck) 13
feet from the rear property line in lieu of the required 22.5 feet and an
open projection a minimum of 0.5
feet from the side property line in
lieu of the required 7.5 feet.
Being the property of Thomas W.
Hoover, et ux, as shown on plat plan
filed with the Zoning Office.
In the event that this Prittion(s) is granted, a building permit may be
issued within the thirty (30) day ap-
pea period. The Zoning Commis-
sioner will, however, entertain any
request for a stay of the issuance of
said permit during this period for
good cause shown. Such request
must be received in writing by the
I date of the hearing set above or

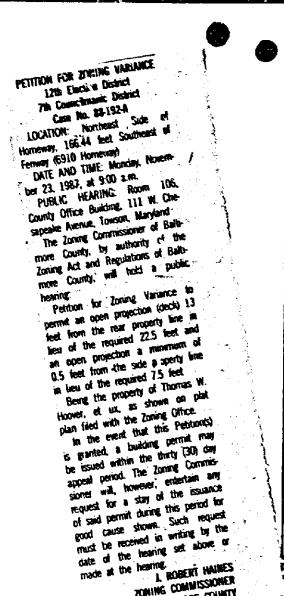
CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov 5, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Nov 5, 1987

the JEFFERSONIAN,

Publisher



CERTIFICATE OF PUBLICATION

OFFICE OF Dundalk Eagle

4 N. Center Place P. O. Box 8936 Dundalk, Md. 21222

November 5,

THIS IS TO CERTIFY, that the annexed advertisement of J. Robert Haines in the matter of Zoning Hrgs. - Case #88-192-A - P.O. #93810 - Req. #M08650 - 80 lines \$32.00. was inserted in **The Dundalk Eagle** a weekly newspaper published in Baltimore County, Maryland, once a week auggessive weeks before the 6th day of November 19 87; that is to say, the same was inserted in the issues of Nov. 5, 1987

Kimbel Publication, Inc.

per Publisher.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Your petition has been received and accepted for filing this ______ day of ______, 19 87.

Petitioner Thomas W. Hoover, et ux Received by: James E. Dyer Chairman, Zoning Plans Attorney

Advisory Committee

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT FILING FEE FOR VARIANCE 17EH 33 B. 8844*****3551:a 820%F

BALTIMORE COUNTY, MARYLAND No. 45820
MISCELLANEOUS CASH RECEIPT DATE 72 23 1952 ACCOUNT 0/-(15
AMOUNT_\$ 52.7
RECEIVED Thomas House
FOR: Pasting & Oct
B B C30******8275: a =232; 86-192-A VALIDATION OR SIGNATURE OF CASHIER



J. ROBERT HAINES ZONING COMMISSIONER

> Mr. Thomas W. Hoover Mrs. Theresa M. Hoover 6910 Homeway Baltimore, Maryland 21222

Re: Petition for Zoning Variance
NE/S Homeway, 166.44' SE of Fenway
(6910 Homeway)
12th Election District - 7th Councilmanic District
Thomas W. Hoover, et ux - Petitioners
Case No. 88-192-A

This is to advise you that 982.75 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely, J. Robert Haines Zoning Commissioner

Mr. Thomas W. Hoover Mrs. Theresa M. Hoover 6910 Homeway Baltimore, Maryland 21222 NOTICE OF HEARING RE: PETITION FOR ZONING VARIANCE NE/S Homeway, 166.44' SE of Fenway (6910 Homeway) 12th Election District - 7th Councilmanic District Thomas W. Hoover, et ux - Petitioners Case No. 88-192-A

DATE: Monday, November 23, 1987 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

There are no comprehensive planning factors requiring comment on this

Date___October 27, 1987

Norman E. Cerber, AICH

of Baltimore County

October 22, 1987

JRH:med

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

6910 Homeway Baltimore, Maryland 21222

RE: Item No. 33 - Case No. 88-192-A Petitioner: Thomas W. Hoover, et ux Petition for Zoning Variance

petition was accepted for filing on the date of the enclosed

Very truly yours,

Zoning Plans Advisory Committee

filing certificate and a hearing scheduled accordingly.

Dear Mr. Hoover:

Engineering Department of Traffic Engineering State " Commissio

Projectning Building Department Board of Education Zoning Administration Industrial

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 494-3554



September 16, 1987

Zoning Commissioner County Office Building Towson, Maryland 21204

Baltimore County

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 33, 34, 36, 39, and 40.

Very truly yours,

Michael S. Flanigan Traffic Engineer Associate II

MSF:1t

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke

Mr. Armold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204

Re: Property Owner: Thomas W. Hoover, et ux

Location: NE/S Homeway, 166.44' SE Fernway Item No.: 33

Zoning Agenda: Meeting of 8/4/87 Gentlemen:

August 5, 1987

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or ____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

($_{\rm X}$) 5. The buildings and structures existing or proposed on the site s.all comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments a

Special Inspection Division

ire Prevention Bureau

Dennis F. Rasmussen

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel

Mr. J. Robert Haines

petition.

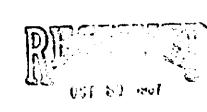
NEG:JCH:dme

TO Zoning Commissioner

Norman E. Gerber, AICP

FROM Director of Planning and Zoning

SUBJECT Zoning Petition No. 88-192-A



ZONING OFFICE

JED:kkb

are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Mr. Thomas W. Hoover

.bureau of

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments

Development

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This

mr + mrs. Hower testilies

